

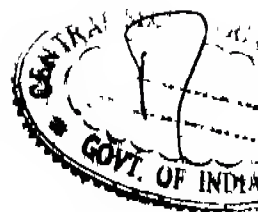


# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

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सं० 59] नई दिल्ली, सोमवार, अक्टूबर 31, 1977/कार्तिक 9, 1899  
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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS  
(Legislative Department)

New Delhi, the 31st October, 1977/Kartika 9, 1899 (Saka)

THE ADVOCATES (AMENDMENT) ORDINANCE, 1977  
No. 16 OF 1977

Promulgated by the President in the Twenty-eighth Year  
of the Republic of India.

An Ordinance further to amend the Advocates  
Act, 1961.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Advocates (Amendment) Ordinance, 1977.

(2) It shall come into force at once.

2. During the period of operation of this Ordinance, the Advocates Act, 1961 (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 to 8 (both inclusive)

3. In section 3 of the principal Act, for sub-sections (3) and (3A), the following sub-sections shall be substituted, namely:—

“(3) There shall be a Chairman and a Vice-Chairman of each State Bar Council elected by the Council in such manner as may be prescribed.

Short  
title  
and  
comm-  
encement.

Act 25 of  
1961 to  
be tem-  
porarily  
amended.

Amend-  
ment of  
section 3.

(3A) Every person holding office as Chairman or as Vice-Chairman of any State Bar Council immediately before the commencement of the Advocates (Amendment) Ordinance, 1977, shall, on such commencement, cease to hold office as Chairman or Vice-Chairman, as the case may be:

Provided that every such person shall continue to carry on the duties of his office until the Chairman or the Vice-Chairman, as the case may be, of each State Bar Council, elected after the commencement of the Advocates (Amendment) Ordinance, 1977, assumes charge of the office."

Amend-  
ment of  
section 4

4. (1) In section 4 of the principal Act,—

(i) in sub-section (1), clause (bb) shall be omitted,

(ii) for sub-sections (2) and (2A), the following sub-sections shall be substituted, namely:—

"(2) There shall be a Chairman and a Vice-Chairman of the Bar Council of India elected by the Council in such manner as may be prescribed.

(2A) A person holding office as Chairman or as Vice-Chairman of the Bar Council of India immediately before the commencement of the Advocates (Amendment) Ordinance, 1977, shall, on such commencement, cease to hold office as Chairman or Vice-Chairman, as the case may be:

Provided that such person shall continue to carry on the duties of his office until the Chairman or the Vice-Chairman, as the case may be, of the Council, elected after the commencement of the Advocates (Amendment) Ordinance, 1977, assumes charge of the office."

Amend-  
ment  
of sec-  
tion 8.

5. (1) In sub-section (1) of section 8 of the principal Act, for the words "four years", the words "five years" shall be substituted

(2) The amendment made by sub-section (1) to sub-section (1) of section 8 of the principal Act shall apply also to an elected member of every State Bar Council who has not completed the term of four years at the commencement of this Ordinance.

Amend-  
ment of  
section 15.

6. In sub-section (2) of section 15 of the principal Act,—

(i) before clause (d), the following clause shall be inserted, namely:—

"(c) the manner of election of the Chairman and the Vice-Chairman of the Bar Council;";

(ii) in clause (d), after the words "election to the Bar Council", the words "or to the office of the Chairman or Vice-Chairman" shall be inserted.

Amend-  
ment of  
section 34.

7 In section 34 of the principal Act, after sub-section (1A), the following sub-section shall be inserted, namely:—

"(2) Without prejudice to the provisions contained in sub-section (1), the High Court at Calcutta may make rules providing for the

holding of the Intermediate and the Final examinations for articulated clerks to be passed by the persons referred to in section 58AG for the purpose of being admitted as advocates on the State roll and any other matter connected therewith.”.

8. In the principal Act, after section 58AF, the following section shall be inserted, namely —

Insertion  
of new  
section  
58AG

“58AG Notwithstanding anything contained in this Act, every person who, immediately before the 31st day of December, 1976, has commenced his articleship and passed the Preliminary examination, for the purpose of enrolment as an attorney of the High Court at Calcutta in accordance with the rules made under sub-section (2) of section 34, before the omission of that sub-section by the Advocates (Amendment) Act, 1976, may be admitted as an advocate on the State roll if he—

Special  
provi-  
sions  
in re-  
lation to  
articled  
clerks.

107 of  
1976.

(i) passes, on or before the 31st day of December, 1980,—

(a) the Final examination in a case where such person has, before the 31st day of December, 1976, passed the Intermediate examination,

(b) the Intermediate and the Final examinations in any other case.

*Explanation.*—For the purpose of this clause, the High Court at Calcutta may prescribe such rules as may be necessary under sub-section (2) of section 34, specifying the nature of the examinations and any other matter relating thereto;

(ii) makes an application for such enrolment in accordance with the provisions of this Act, and

(iii) fulfils the conditions specified in clauses (a), (b), (e) and (f) of sub-section (1) of section 24”.

N. SANJIVA REDDY,

*President*

K K SUNDARAM,

*Secy. to the Govt. of India.*

## CORRIGENDA

In the Smith, Stanistreet And Company Limited (Acquisition And Transfer of Undertakings) Ordinance, 1977 (13 of 1977), as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 30th September, 1977—

(i) at page 365, in line 33, for “over-all”, read “over all”;

(ii) at page 367, in line 2, for “Ordinance”, read “Ordinance,”;

(iii) at page 368, for line 20, substitute  
“inaccurate,

shall be punishable with imprisonment for a term which may”;

(iv) at page 369, in line 27, for “,” read “.”, and

(v) at page 370, after line 22, insert “N SANJIVA REDDY, President.”.

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In the Gresham and Craven of India (Private) Limited (Acquisition and Transfer of Undertakings) Ordinance, 1977 (14 of 1977) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 30th September, 1977:—

(i) at page 371, in line 3, for “30th September”, read “30th September, 1977” and

(ii) at page 383, after line 24, insert “N. SANJIVA REDDY, President.”.